

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

CARYN DEVINS STRICKLAND,
Plaintiff,

v.

UNITED STATES OF AMERICA ET AL,
Defendants.

CIVIL ACTION
NO. 20-00066-WGY

YOUNG, D.J.¹

March 21, 2024

ORDER

As the Court works through its Findings of Fact and Conclusions of Law, it is necessary to tie up some evidentiary loose ends in order that the trial record may be clear.

On December 7, 2023, Strickland moved to admit her trial exhibits. Pl.'s Mot. Admit Trial Exs. and Dep. Desig. and to Adopt Pl.'s Ex. List ("Mot. Admit Trial Exs."), ECF No. 364. The parties filed a joint exhibit list on December 18, 2023, which rendered portions of Strickland's December 7 motion moot. Joint Notice of Filing Trial Materials, Ex. A, Joint Ex. List, ECF No. 376-1; see also Notice of Errata, Ex. A, Joint Ex. List, ECF No. 379-1 (updated exhibit list correcting for technical error). Strickland filed a notice on December 18, 2023, which identified "the outstanding

¹ Of the District of Massachusetts, sitting by designation.

exhibits for which Plaintiff is seeking admission” Notice of Pl.’s Updated List of Trial Exs. Subject Mot. Admit Trial Exs. and Dep. Desig., ECF No. 378. Throughout the course of the trial, the Court admitted in evidence some of these outstanding exhibits, as Strickland offered them through certain witnesses. Defendants provided to this Court a list of outstanding exhibits as of December 22, 2023. Defs.’ Response to Pls.’ Mot. Admit Trial Exs. and Dep. Desig. (Defs.’ Response Mot. Admit), ECF No. 382 (attaching charts of outstanding exhibits).

After thoroughly reviewing these outstanding exhibits and evaluating the parties’ arguments for and against their admittance, this Court rules that the following exhibits are admitted in evidence:

Exhibit	Pl.’s Internal Numbering	Description
AA	30	August 2018 James Ishida (Circuit Executive/ EDR Coordinator) AO Interference Email (ECF No. 248-14, US2558-2561)
AB	31	Heather Beam (EDR Investigator/Counselor) Investigation Notes (ECF No. 248-14, US5947-5951)
AC	32	Emails between Heather Beam (EDR Investigator/Counselor) and J.P. Davis (First Assistant) (ECF No. 248-14, US1357-1360)
AD	33	Emails between Heather Beam (EDR Investigator/Counselor)

		and J.P. Davis (First Assistant) (ECF No. 248-14, US1353-1354)
AF	35	Emails between Heather Beam (EDR Investigator/Counselor) and J.P. Davis (First Assistant) (ECF No. 248-14, US1343-1347)
AG	36	Emails between Heather Beam (EDR Investigator/Counselor), J.P. Davis (First Assistant), and Anthony Martinez (ECF No. 248-14; Bates No. US2822-23, 2820)
AN	43	Emails between Caryn Strickland (Plaintiff) and James Ishida (Circuit Executive/ EDR Coordinator) (ECF No. 248-14, 248-15, US4714)
AS	48	March 2019 Heather Beam (EDR Investigator/Counselor) "True Pain" Email (ECF No. 248-15, US4025-4026)
AZ	56	Emails between Caryn Strickland (Plaintiff) and Nancy Dunham (AO FEOO) (ECF No. 248-15, US1056-1059)
BN	70	SEALED (ECF No. 253) Other EDR Complaint Investigation Report Attachment (ECF No. 250-16, US7497-7500)
CC	85	Emails between James Ishida (Circuit Executive/EDR Coordinator) and Caryn Strickland (Plaintiff) (US0476)

BA, BY ²	57, 81	180918_0845 - audio file of recorded conversation between James Ishida and Caryn Strickland
BA, BG, BZ	57, 63, 82	181005_1434 - audio file of recorded conversation between Heather Beam and Caryn Strickland
BA, BV, CA	57, 78, 83	181109_1540 - audio file of recorded conversation between Heather Beam and Caryn Strickland

² For the following exhibits, Defendants only objected on the grounds of incompleteness under Federal Rule of Evidence 106: "BA, BY", "BA, BG, BZ", "BA, BV, CA", "BA, CH", "BS, CI", "CP", "AK", and "CD". Defs.' Response Mot. Admit 3; *id.*, Ex. 1 ("Chart for FRE 106 Exs."), ECF No. 382-1. There are combinations of Strickland's submitted lettered exhibits (for example, the first entry "BA, BY") because it appears that Strickland originally submitted these recordings as individual excerpts instead of the full recording. Defs.' Response Mot. Admit 3 (stating that Strickland's exhibits "involve clips from the same audio recording"). In identifying the outstanding exhibits for the Court, Defendants combined Strickland's proposed exhibits (for example, BA and BY individually for "BA, BY" combined as completed recording) and submitted the full versions of the recordings (and documents) to this Court. *Id.* at 3; Chart for FRE 106 Exs. To avoid confusion with exhibits, this Court admits the full audio recording (ex. "BA, BY") submitted by Defendants as a single numbered exhibit instead of the excerpts proposed originally by Strickland.

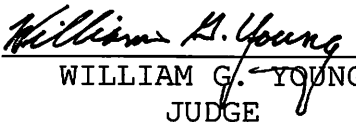
BA, CH	57, 90	181127_1711 - audio file of recorded conversation between James Ishida and Caryn Strickland
BS, CI	75, 92	190109_1116 - audio file of recorded conversation between James Ishida and Caryn Strickland
CP	100	190507_1621 - audio file of recorded conversation between James Ishida and Caryn Strickland
AK	40	Emails between Caryn Strickland (Plaintiff) and James Ishida (Circuit Executive/ EDR Coordinator) (ECF No. 248-14, 248-15, US1635-1639)
CD	86	Emails between James Ishida (Circuit Executive/EDR Coordinator) and Caryn Strickland (Plaintiff) (US1611-1614)

The Court excludes the following outstanding exhibits:

Exhibit	Pl.'s Internal Numbering	Description
BM	69	2019 Employment Dispute Resolution Interpretative Guide & Handbook (ECF No. 250-13)
BT	76	Lessons From a Circuit Mediator Slideshow (ECF No. 255-10, US3580-3602)
CT	104	AOWeb and UVM Articles regarding Caryn Devins Strickland's "dream job" as a federal public defender

Moreover, this Court **DENIES** Strickland's oral motion to strike Moormann's testimony. See Defs.' Response to Pl.'s Oral Mot. Strike, ECF No. 383; Pl.'s Notice Response to Defs.' Opp'n Mot. Strike Testimony, ECF No. 390. This Court **DENIES** Strickland's motion for reconsideration regarding Exhibit AY. Pl.'s Mot. Clarification Reconsideration Re. Admission of Trial Exs., ECF No. 386.

SO ORDERED.


WILLIAM G. YOUNG
JUDGE
of the
UNITED STATES³

³ This is how my predecessor, Peleg Sprague (D. Mass. 1841-1865), would sign official documents. Now that I'm a Senior District Judge I adopt this format in honor of all the judicial colleagues, state and federal, with whom I have had the privilege to serve over the past 46 years.